

REMARKS

Claims 10-14 stand rejected under 35 U.S.C. § 112, first paragraph (written description). This rejection is respectfully traversed for the following reasons. The Examiner alleges that Applicants' specification "states that the *bottom* 205 of the battery case ..." (emphasis added). As a preliminary matter, the cited portion of Applicants' specification does not use reference numeral 205 to represent an exemplary "bottom," but rather, to represent an exemplary "battery case." Claim 10 recites in pertinent part, "said battery case comprises a cylindrical part with an inwardly extending bottom." Accordingly, the *cylindrical part* has an inwardly extending bottom. As viewed in Figure 5 of Applicants' drawings, one exemplary embodiment of the bottom (unnumbered) is "inwardly extending" so as to be, for example, horizontal *relative to* the vertical side walls of the cylindrical part.

The Examiner appears to have interpreted "bottom" as necessarily requiring a surface that is angled relative to the cylindrical part, so that the "bottom" shown in Figure 5 of Applicants' drawings would be *further* inwardly extending rather than just inwardly extending relative to the cylindrical part. However, a hollow tube with open-ends could be interpreted as having a "bottom" that is simply the lower half of the tube such that the bottom surface would be the *circumferential* underside of the open-end. For example, Figure 1 of JP '161 illustrates a cylinder 18 with open-ends fitted with collectors 11,12; so that the bottom of the cylinder 18 is not inwardly extending, but is simply the lower half of the vertical walls defining the cylinder 18.

Based on the foregoing, it is submitted that claims 10-14 satisfy the written description requirement of 35 U.S.C. § 112, first paragraph. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 112, first paragraph (written description) be withdrawn.

Claims 1-3 and 5-9 stand rejected under 35 U.S.C. § 112, first paragraph (enablement). This rejection is respectfully traversed for the following reasons. The Examiner alleges that “[i]f the end portion is bent then the end portion is no longer parallel to the lengthwise direction.” However, once the end portion is bent, that portion of the end portion becomes the *bent* portion as claimed, *which is not recited as being parallel*. It should be noted that the claims do not require the *entire* end portion to be parallel. Accordingly, it is respectfully submitted that the claims, as currently written, are enabled.

Based on the foregoing, it is submitted that claims 1-3 and 5-9 satisfy the enablement requirement of 35 U.S.C. § 112, first paragraph. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 112, first paragraph (enablement) be withdrawn.

Claims 1 and 9 are independent and stand rejected under 35 U.S.C. § 103 as being unpatentable over JP ‘630, JP ‘161, or JP ‘442 in view of JP ‘547. This rejection is respectfully traversed because JP ‘547 is not prior art to the present application. The publication date of JP ‘547, relied on by the Examiner for allegedly teaching “bent portions,” is June 14, 2002. In order to perfect foreign priority, Applicants have attached hereto a certified English translation of the foreign priority document JP 2001-321673 (with an effective date of October 19, 2001). Accordingly, as JP ‘547 was published after the effective filing date of the present application, it is not prior art to the present application. Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Ramyar M. Farid
Registration No. 46,692

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 RMF:MWE
Facsimile: 202.756.8087
Date: June 3, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**